

The status of non-natives

The voting and office rules are strict but are considered necessary to ensure the continued expansion and development of the Dene culture. A person who moves into Denendeh would be moving into an area where the government is based on a different culture, which would take time to understand. The pledge to uphold the Charter is similar to oaths of office taken elsewhere in Canada and makes explicit the assumptions of the Denendeh government.

Without such restrictions, the Dene legitimately fear that a large migration of other Canadians into Denendeh, such as might accompany major resource projects, would soon overwhelm their culture. That would leave the Dene the choice of assimilating to the White culture or trying to preserve their culture in the marginal situation of reservations, likely without sufficient land to keep the traditional economy alive.

While not according immediate voting or office holding rights to new residents, the Denendeh proposal guarantees equality before the courts and in addressing the governments. And the Charter provides protection for the basic rights of all residents, as well as the right to set up institutions, such as schools, based on different value systems and supported by public funds. Once a person meets the voting and office holding requirements, he or she has full equality with all other eligible voters, whether Dene or non-Dene.

Denendeh Senate

A Senate composed of Dene completes the proposed structure of government in Denendeh. The Senate's special task will be to monitor the effect of community or provincial laws on Dene rights. If the Senate decides that a law adversely affects clearly defined aboriginal rights (such as those spelled out in a claims settlement agreement) it can veto the law, outline its concern and ask the appropriate body to resubmit amended legislation.

Two-way protection

The charter, and indeed the whole proposal, is designed to provide two-way, individual and collective, protection for minorities — protection for the non-Dene minority to live out its values now and protection for a future Dene minority to be able to continue to live out its values. The second situation requires extra measures beyond those needed for the present non-Dene minority because of the Dene's status as a minority within the whole of Canada. But the aim is a pluralist state in which two cultures can live and develop together in harmony.

The form of government proposed here is consistent with the current operation of the Dene Nation, which, along with the Metis Association, has provided the main voice for native concerns. Each of the 25 communities in the Mackenzie River valley elects its own chief and council for dealing with local matters. Four or five times a year, there are meetings of all community leaders to discuss broader issues. And once a year, the national assembly of the Dene Nation brings over a thousand Dene together. Each community sends a number of voting delegates, based on the communities' populations, and others attend as non-voting participants. Decisions are reached by consensus, with a formal vote sometimes taken at the end to confirm the consensus reached. Issues on which no consensus can be reached are referred back to the leadership meetings for efforts to develop proposals for the assembly, based on its discussions. The assembly also elects the Dene Nation executive of one president and two vice-presidents, who act as representatives for the Dene Nation during the year and call leadership meetings.

Could it work?

At the present time, the government of the Northwest Territories is heavily dependent for its finances on Ottawa, which also controls the Territories' budget. Of the \$316 million 1980-81

Northwest Territories budget, the federal government provided \$215 million or 68 percent. (In addition, the federal government allocated \$366 million for federal services and programs in the NWT.) Territorial income taxes raised only nine percent of the NWT budget. But this dependence on Ottawa's subsidies cannot be used as an argument for denying democratic local control to the people of the Territories. Prince Edward Island is a province despite its heavy reliance on federal subsidies.

Moreover, the government of the Northwest Territories is presently precluded from securing royalties and rents from resource developments within its boundaries. These go to Ottawa, and its potential resource wealth suggests its future financial position is more akin to Alberta's than P.E.I.'s. Professor R.E. Naylor of the McGill University economics department notes that in 1906, the year after Alberta became a province but 23 years before it gained the right to revenues from its natural resource base, federal subsidies constituted 72 percent of Alberta's total government revenues. In 1979, the natural resources sector provided Alberta's government with the same percentage, 72 percent, of total revenues that federal payments did in 1906.

While the continuing viability of the land-based, renewable resource sector is important, the Denendeh proposal foresees development of the non-renewable sector — oil, gas and mineral development — as well. The key is not so much stressing non-renewable or renewable resource development; it's that all economic development must contribute to human development. Still, development and enhancement of the traditional land based economy is essential to enhancing the Dene way of life. Is that possible? And are there sufficient numbers of Dene interested in staying on the land?

An extensive field survey done by the Dene in the mid-1970s in preparation for the Berger Inquiry found that 1,075 people were engaged in hunting, trapping or fishing, full or part-time. It also found that these people still used a substantial amount of the large territory proposed for Denendeh, if areas left alone for animal breeding grounds are included. The Berger Commission report said that in 1972-73, 2,225 Dene held general hunting licenses, about 1,200 traded some furs and 450 made more than \$400 from furs that year. By 1975-76, 764 made at least that much.

Anthropologist Scott Rishforth concluded after living with residents of Fort Franklin for a year that trapping, hunting and fishing brought in furs and foods worth about \$3,200 to \$3,900 per family between June, 1974 and May, 1975. Many of the hunters took wage labour jobs only to get money to improve their equipment, which included snowmobiles, fishing boats and airplanes.

The renewable resource sector does not now provide enough income to provide for all the Dene or sustain the cost of governing Denendeh. Nor is it likely that it ever will. All studies indicate that continuing subsidies will be necessary to that sector. But this is not unusual. Huge government subsidies maintain certain industries in southern Canada, sometimes industries that impede social and environmental health.

Also, the Dene propose to modernize the renewable resource sector, using some of their settlement money to purchase airplanes, snowmobiles and other equipment for fur trapping, boats and other equipment for fisheries, lumber mills which could provide the wood for a local housing industry, factories for processing other renewable resources including furs and fish, and the buildings and other facilities needed for a tourist industry.

Once the renewable sector has been assured a sound footing, the Dene are prepared to consider non-renewable resource developments. These will be needed, to some extent, as already noted, to pay for the costs of government, as well as to provide jobs for those who are not interested in work in the traditional economy. The Dene insist that the government of Denendeh have a substantial degree of ownership and control of these resources. Only that will allow northern Canadians to control the timing and methods of development to ensure that the renewable resource sector is not disturbed; and only control in the North will ensure that the financial benefits from the development stay in the North to benefit those who face the social and environmental risks from any problems associated with the development.

The Denendeh proposal details a framework to guide Denendeh government decisions about non-renewable resource projects. This framework says non-renewable resource development will be permitted

- (1) for resources considered surplus to Denendeh's own needs;
- (2) if southern Canadian needs exist, calculated on a conservator society level of consumption;
- (3) if exploration, development and transportation will not create undue social dislocation or damage to the environment;
- (4) if the project is technically sound, financially feasible; and
- (5) if the project is consistent with the socio-economic development plans of the Denendeh government.

The Denendeh proposal calls for the revenue from non-renewable resource developments to be shared. Ten percent of all resource revenues accruing to the Denendeh government will go into an aboriginal trust fund to be used to modernize the non-renewable economy. The rest will be used to cover the costs of government in Denendeh, with

the Canadian government making up the difference if the revenue is insufficient to cover the cost. If the revenue exceeds the amount needed for governmental costs, the excess amounts will reimburse the federal government for direct financial assistance coming into Denendeh for Unemployment Insurance, children's allowance, etc. Any excess beyond that will be split 50-50 between the federal and Denendeh governments.

Is Denendeh constitutional?

Peter Russell, a University of Toronto professor and constitutional expert, says the Denendeh proposal entails "the extension of the original spirit of Confederation for the first time to Canada's native people."

"Confederation was necessary in 1867 because an alternative solution to the governance of French and English Canadians had failed," Russell told the National Energy Board Norman Wells pipeline hearings in October, 1980. "The alternative solution to Confederation was a program of assimilation of all Canadians into the British culture." Lord Durham's Report in 1839 called for this solution and the Act of Union in 1840 established a framework of government designed to promote this solution. But it did not work. The majority of French-Canadians would not be assimilated. In 1867, it was George Etienne Cartier's ideal of pluralistic cultural survival within a single juridical nation, not Durham's ideal of a British nation in North America, which inspired the establishment of a federal system of government guaranteeing the rights of certain minorities with the major units of the new federation."

From the first, Canada's founding act, the British North America Act, has established a special status for Indians, who alone of all residents of this country were to deal only with the federal government, instead of both federal and provincial governments. The aim then was to more effectively assimilate the natives into the dominant culture. Over time we have learned a new respect for all people's ways of living and of perceiving the world. Amidst our ecological and other problems, we have also come to understand that those, like native people, who have a different view of nature and society have much to teach us. In struggling for their rights we are also asserting our rights.

* * * * *

A pluralist experiment in Denendeh could lead other Canadians to express their values and ways of life collectively, encouraged that this could lead to a more dynamic and vigorous society.

But Ottawa's resistance to negotiating with the Dene on its political proposal (see "Negotiations to date") and its insistence instead on negotiating only for reserves and money could result in this pluralist hope dying before even reaching the negotiating table. And the Dene, if Ottawa succeeded, would be confined to reserves to await the same sad fate as southern natives or forced to abandon their way of life to join the dominant White mainstream.

Southern Canadians will play an important role in the outcome of negotiations. Vigorous and demonstrative support for the Denendeh proposal for a pluralist province could sway the government in that direction. Southern support helped persuade the government in 1977 to scrap the Mackenzie Valley gas pipeline. In July 1981, it was instrumental in the cabinet's decision to delay construction of the Norman Wells pipeline up the Mackenzie Valley for two years to permit negotiations. More recently, in November 1981, southern support was decisive in persuading the provincial premiers and the federal government to reinstate the aboriginal rights protection clause (albeit a watered down clause) in Canada's Constitution.

Letters of support for the Denendeh proposal — to your member of parliament, cabinet ministers and letters to the editor pages — and organizing local information events on the issue can make a difference. The Dene Nation invites your responses and suggestions which will be considered for revised versions of their public government document. For further information contact:

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Toronto, Ontario M5T 1R4; or
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What is pluralism?

Pluralism is a recognition that different people in society have different beliefs and wish to live in different ways. It is also the recognition that governments should protect and facilitate their rights to do so.

Protecting pluralism should be an important goal of government in every country, but particularly in countries which call themselves free and democratic. The alternative is to force all people to think the same way, by officially sanctioning certain values and strongly discouraging others.

True recognition of pluralism requires more than just allowing people to think as they like. It also requires allowing people to act on their beliefs with others, providing the actions do not interfere with the rest of society or harm the general public interest. Pluralism is threatened when government promotes either western or native values while discouraging the others.

Thus, there should be provision for more than personal choices. Group actions, such as setting up different school systems or creating organizations or institutions to express and practice different economic, environmental and cultural beliefs, should also be allowed and protected.

To make this a real possibility for everyone who wishes it, governments must provide equitable political and financial incentives for groups to express their beliefs collectively and institutionally.

Ours is a society in which people can choose between dozens of brands of toothpaste or hundreds of movies, all supported with thousands or millions of dollars of advertising. But when it comes to things such as systems of education or health or economics, the argument is that duplication is too costly. Yet it is in these areas that there should be the greatest choice, because these are the areas people feel most strongly about and which touch most directly the fundamental beliefs people hold.

Providing for alternative institutions can also benefit society as a whole. It is only through actually putting into practice different beliefs about, for instance, education, that people can learn about the best system for their child. And each institution could learn from the other alternative institutions, thus encouraging the best in all the institutions.

The major argument for pluralism is that it is just it accords the same freedom of personal and group choice to people of differing beliefs and values.

Making provision for collective expressions of values is crucial to real freedom of thought and action. People who feel strongly about their beliefs tend to want to express them by joining others, whether in political parties, trade unions, churches, alternative schools or voluntary social agencies. And it is through participation in such groups, full or part-time, that their beliefs and values are able to develop and retain strength.

Loving our neighbours as ourselves, being just requires respect and tolerance for each unique person but also for group expression of those community values which are a basic aspect of who the person is.

For CJL, working to create Denendeh is an expression of our beliefs about the God-given purpose of government. It is a struggle for justice, a struggle to express political love for both native and non-native northerners who seek to live together in harmony, although their beliefs may differ.

But it is a struggle for justice for all Canadians, for each step toward allowing a group like the Dene to develop and enhance its values and way of life is a step toward a more pluralistic Canada in which all of us have the same freedom.

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DENENDEH

the Dene struggle for a pluralist province



The most basic and hardy plant life form of the north, the lichen that cling to wind-swept rocks where nothing else can grow, is one of earth's most fascinating creatures. For the lichen is not just one plant but two — algae and fungi — living in the mutual interdependence called symbiosis.

The fungus, lacking the chlorophyll needed to produce food through photosynthesis, could not survive in otherwise lifeless environments without the algae. And the algae, lacking the access to water that the fungus provides, would equally perish.

This unique cooperating plant does more than just survive, however. It also helps create the conditions for other life through processes which turn rock into the soil in which other plants can grow.

The lichen could be a botanical symbol for the vision of a new society now being developed in the western part of the Northwest Territories. The Dene Nation and the Metis Association of the Northwest Territories, the political organizations of the 15,000 native people of the area, have proposed a plan for a new province-like jurisdiction based on the political style and tradition of the Dene, and stressing mutual respect for, and cooperation between, the people of two different cultures: the Dene majority and other Canadians who share the area.

The goal is a pluralist province, to be called Denendeh, a Dene word meaning "the land of the people", in which the basic traditions of both cultures are respected and allowed to develop, and in which the strengths of each culture would combine to further the well-being of everyone in the province. In one sense, though, the plan departs from the lichen image: though the goal is mutual cooperation, it is also the preservation and growth of the Dene culture, with adequate protection for other cultures, not a combination into some new cultural form. (See "What is pluralism?")

Creation of Denendeh is the goal of the two native associations in negotiations begun in July

with the federal government. (see "The Negotiations to date.")

With political institutions based on the political style and tradition of the Dene, Denendeh would have a charter which sets out the individual and collective rights and responsibilities of both the Dene and the other Canadians in Denendeh, thus protecting both the current White minority and a possible future Dene minority.

All Canadians should be interested in this unique proposal for maximizing the individual and collective rights of peoples with vastly different values and ways of life in a single unit within Canada. But Denendeh is also a powerful reassertion by a native group of the value of native ways of life after several hundred years of explicit British and then Canadian policy designed to "civilize and assimilate" them into White western values and ways of life.

Pre-Confederation policy stressed that tribal governments would be replaced by an elected Chief and Band Council "to acculturate Indians into the White political system". In 1877, the deputy superintendent of Indian Affairs explained that destroying the political organization of the first nations in western Canada would foster individualism and make Indians more amenable to departmental policies and objectives. That today's government has not completely abandoned the traditional goal of assimilation is clear in its reluctance to negotiate on native proposals for recognition and political protection for collective rights. (see "The negotiations to date.")

Fortunately, the government policy has failed to destroy native ways of life. Some individuals have been assimilated into the White culture but native nations have not been. However, the human costs of resistance have been tragically high for too many natives: despair, suicide, violence, alcoholism, drug addiction, poverty, unemployment, emotional, mental and physical illness.

In the past 10 years, commitment, tenacity and leadership combined to turn passive resistance into the active affirmations of the native ways of life. Probably because they were the most neglected and therefore the least victimized, northern groups, particularly the Dene, led the way.

* No single word would adequately describe the non-Indian citizen in Canada who are not all European or white. The word Whites will be used as a term of convenience in what follows for these people. While inaccurate, it is no less so than the word Indians that is used for Canada's native peoples.

To understand the Dene position, which will be summarized in more detail later, it is necessary first to review briefly some of the history of the area in question, an area of some 650,000 square miles or roughly the western half of the Northwest Territories.

The Dene tradition

Dene oral history says they have lived on the lands proposed for Denendeh since the dawn of time. Archeological evidence says they occupied the area not less than 10,000 years ago, and probably longer than 25,000 years ago!

Although there are some difficulties in determining how the Dene lived before the arrival of the Whites, at least four features of early Dene life are clear.

First, the Dene's dependence on the environment was inescapable. Survival depended on detailed, accurate knowledge of the ways of the animals which they hunted or trapped. Knowledge of the spirits, which the Dene believed the animals and the earth itself possessed, was also considered crucial to survival.

Second, the basic unit of social organization was a grouping of several families who hunted together. Leadership was exercised by the person most capable at the task at hand and thus usually shifted from task to task. Decisions were generally reached by consensus among the adults, both within groups and during the rare occasions when several groups joined together for tasks that required larger cooperative efforts, such as caribou hunting.

Third, catches of food, especially large game like caribou, were always shared within groups and often with other groups occupying the same general area if they had fallen on hard times.

Fourth, for the Dene, land was not something they could buy, sell or give away. Groups did, however, have territories which were recognized by themselves and by other groups as belonging to them by virtue of their use of the territories. In this sense of ownership, land belonged only to the community, never to individuals.

To the Dene, the land was the underlying basis of their survival, integral to their world-view and culture: it was seen as always having played that role and always going to do so. From this arose the Dene theme "The land and the people are one."

Canada takes the north

Not until 1870 did the new Dominion of Canada assume formal control of what is now the Northwest Territories from Britain and the Hudson's Bay Co. By that time, periodic game shortages combined with disease to create occasional but severe hardship for many of the Dene. The Hudson's Bay Co. had previously provided assistance to the natives during hard times, in part to protect the company's access to furs. But the new government imposed on the Dene was reluctant to provide help. It refused to sign treaties in the north "until there is a likelihood of the country being requested for settlement purposes," Prime Minister John A. MacDonald said in 1884.¹ And the government refused, until the late 1880s, to provide any assistance to natives not covered by treaty, although the natives were legally the federal government's responsibility.

But the government changed its mind about signing treaties with the Dene after the Yukon gold rush made northern lands valuable; it signed treaty 8 in 1899 covering a small part of the present Northwest Territories, plus parts of Alberta, Saskatchewan and B.C. And it changed its view again in 1920, when Imperial Oil struck oil at Norman Wells in the Northwest Territories. Treaty 11, covering 372,000 square miles of the western Northwest Territories plus a corner of the Yukon, was signed with the natives in 1921 and 1922. The government named its first governing council for the territory in 1921 and got it working on an agenda which included finding the best route for an oil pipeline south.

The treaties

The English legal language of the treaty documents is clear. In order to open up the natives' lands to settlement, trade, mining and lumbering, the treaties said the Dene were to "cede, release, surrender, and yield up to the government" all rights, titles and privileges to their land or any other land in Canada. In return, the natives were paid \$12 each on signing and \$5 a year (more for chiefs and headmen); were promised some land (which the government could expropriate for roads, buildings or other public works); and were guaranteed the right to hunt, subject to government regulations and unless the government wanted the land for settlement, mining or other purposes.

But if the language is clear, the legal validity of the treaties is not. In 1973, the late Mr. Justice William G. Morrow of the Supreme Court of the Northwest Territories ruled "that notwithstanding the language of the two treaties, there is sufficient doubt on the facts that aboriginal title was extinguished" and that the natives ought to be allowed to put forward a claim for title to about 450,000 square miles on the Northwest Territories covered by treaties. On appeal, the Supreme Court of Canada ruled on technical grounds that a claim could not be filed. But Mr. Justice Morrow's ruling on the doubtful validity of the treaties has never been appealed.

Mr. Justice Morrow based his decision in part on evidence that some of the natives' signatures on the treaties were forged; the marks beside the natives' names in some cases are all identical, clearly made by the same hand.² The evidence also showed the natives did not understand the meaning of the treaties.

The natives believed — and were encouraged to believe — that they signed treaties of peace and friendship with the Whites, which allowed the Whites to use their land but also assured the natives of government protection against major changes in their way of life. Yet the crucial oral promises made to the natives that they could continue to hunt, trap and fish, were never written down by the government treaty commissioners nor reported back to Ottawa. And subsequent history showed that the government repeatedly imposed regulations on hunting, trapping and fishing without advising the natives and often with serious impact on their food supplies and trapping income.

The Morrow ruling, and another decision in 1973 that provided some support for a claim by the Nishaga of British Columbia that they owned their traditional lands by aboriginal right, led the federal government to abandon the approach of simply forcing native groups to take reserves, and paved the way for the current negotiations with the Dene, as well as other groups.

The Trudeau government policy

Before the court decisions, the Trudeau government's policy was summed up in its 1969 white paper on Indian affairs which, in keeping with the government's emphasis on individual rights, proposed what it described as elimination of all legal and constitutional discrimination against Indians. The Indian Act, which since 1876 had governed all aspects of Indian life, was to be eliminated and federal responsibility for Indians, which is set out in the British North America Act, would also end. The intention was that, in future, Indians would receive government services in exactly the same way as all other Canadians. The white paper was the logical outcome of 130 years of explicit policy aimed at gradually assimilating Indians into White society.

Natives across the country were roused as they had never been before by the white paper, which they strongly rejected. They said the proposal took no account of the accumulated liabilities, including poor education and health from lack of services on reserves and low-level jobs off reserves, that Indians faced from past discrimination. Nor did the proposal recognize the need for more than just the elimination of legal discrimination to overcome anti-Indian racism. The natives said the proposal amounted to a plan to turn natives into Whites, robbing them of their culture — an act so shatter-

ing to the self-concept and worldview of a people that it has been labelled genocide. (A United Nations statement says "genocide does not necessarily mean the immediate destruction of a nation but also the destruction of the central foundations of the life of national groups.") Justice, the Indians said, required that account be taken of their special history, rights, circumstances and culture.

In 1971, the white paper was abandoned. Two years later, the government adopted a policy on handling land claims to which it still basically holds. It said negotiations would be used to satisfy native grievances about existing treaties and to reach settlements with native groups whose rights based on traditional land use and occupancy have not been extinguished by treaty or law. While the policy did not acknowledge native ownership of land, it called for the natives to give up any rights or interests they might have in land in return for settlements providing some land and money, hunting, fishing and trapping rights, resource and revenue sharing, economic development and local government. Settlements had to be consistent with Canadian political institutions, provide for economic self-sufficiency, be adaptable from one area to another and involve provincial and territorial governments where their responsibilities are affected.

The Dene reaction

The Dene and Metis of the Northwest Territories, as well as other native groups, have increasingly pressed for what could be called interdependent pluralism. This goal involves recognition of the Dene as a people distinguishable from others by a unique heritage and culture but also by having distinctive political organizations and practices and a strong desire to continue them. It is in this sense that the Dene refer to themselves as a nation, a word which is ambiguous because it has two meanings. Its oldest meaning defines as a nation "a group of people who speak either the same language or closely related dialects, who cherish common historical traditions and who constitute or think they constitute a distinct cultural society."³ It is only in the last four centuries that "nation" has acquired its second meaning, an independent, sovereign state, which the Dene did not seek to create.

Since about 1975, when the Dene Declaration saying the Dene are a nation (first definition) was unanimously approved by a Dene assembly, the

goal of the Dene has been to create political and other institutions consistent with Dene practice and values which would assume responsibility for governing their traditional lands. Although there is a territorial council which has been fully elected since 1975 and now has a native majority, the biggest decisions, particularly those about resource development, are still made by the department of Indian Affairs and Northern Development in Ottawa.

The Dene look back on a history which suggests that the Ottawa government's only concern for the north is for its resources. The needs of the people have never been given much priority, or if they have been, it has been in a way which has damaged, not helped, native communities. Treaties were only signed when it was clear the natives' lands were rich in resources. With the proposal in the early 1970s for a pipeline corridor down the Mackenzie River Valley, and with the opportunity to voice their position and concerns provided by the Berger Commission hearings on that proposal, the Dene sense of frustration with their lack of control over what happened to them coalesced into the proposal for their own jurisdiction.

The Denendeh proposal

The proposal for Denendeh (pronounced Denen-day) aims at creation of a new province-like jurisdiction as the only effective way to enhance the Dene way of life, while at the same time not compromising the rights of other Canadians who live there.

While the structure of the proposed government for Denendeh would be designed to be consistent with Dene values and practices, the key to the protection of the individual and collective rights of both Dene and non-Dene is a proposed Charter of Founding Principles of Denendeh.

The charter is to provide legally-enforceable guarantees for all time that:

(1) The Dene and other distinct groups have the right to establish their own institutions and services, with government funding, to reflect their values and ways in such areas as education, health, social services, arts, media, games and recreation and training in traditional skills and crafts;

(2) native languages, as well as English, will be the official languages of Denendeh;

(3) all environmental laws will be based on continuing the harmonious relationship the Dene have traditionally had with the physical environment;

(4) the criteria for judging all development projects will be whether they will ensure the total well-being of the people and resources of Denendeh, not just the economic benefit of those proposing development; and

(5) the economic system will ensure the continuing viability of the traditional economy.

The charter would also contain rights and freedoms, including

(1) the right to freedom of thought, conscience and religion, including the freedom to adopt a religion or belief of one's choice, to manifest that belief or religion privately or publicly, alone or with others, and the freedom of parents to ensure the religious and moral education of their children in conformity with their own convictions;

(2) the right to hold opinions without interference, to seek, receive and impart information and ideas of all kinds, orally, in writing or print, in the form of art or through any other media of one's choice, subject only to laws for respect of the rights and reputations of others and the protection of public order or health;

(3) the right of peaceful assembly;

(4) the right to freedom of association with others, including the right to form and join trade unions.

To further protect and enhance the Dene culture, even in the event the Dene become a minority in the future, the proposal calls for the Dene to have exclusive ownership, use, control, occupancy and resource ownership over a large area or areas of land within Denendeh, which will not be subject to expropriation. Management of these lands and of the revenue generated by their development are to be the sole responsibility of the Dene, through whatever agencies and institutions they collectively decide to create for this purpose.

Existing private property titles will be respected. Future property interests will be by way of long term leaseholds in which a Dene collective or the government of Denendeh as lessor maintains land and resource ownership and a lessee occupies the land, including the right to erect and own a house or other building. The Dene will have exclu-

sive rights to hunt, fish and trap on much of the land in Denendeh, and the government will manage non-exclusive lands on the basis of criteria which stress human growth, not economic expansion.

To create this kind of jurisdiction, Denendeh will need the same powers as other provinces. But to protect and enhance the unique character of the Dene way of life, the Dene also seek some powers now held by the federal government, including regulatory power over lake and river traffic and fishing regulations, to ensure protection of the aquatic environment which is basic to the traditional Dene way of life.

Within Denendeh, political power will be shared between the "provincial" and the community governments. Referenda will be held when major policies are to be decided.

The Denendeh provincial government will develop Denendeh-wide policies; relate to the federal government and the governments of the other provinces; exercise the federal powers proposed to be given to Denendeh; and exercise power in those areas where the federal and Denendeh governments both have jurisdiction, such as taxation, environment, immigration and agriculture.

The local governments will maximize the participation of people in making decisions that affect their lives in the most direct manner and in implementing Denendeh-wide policies. Any resident may attend and speak at community assembly meetings. But voting and eligibility to hold office will be restricted to Canadian citizens who

(1) meet a residency requirement in Denendeh, proposed to be 10 years;

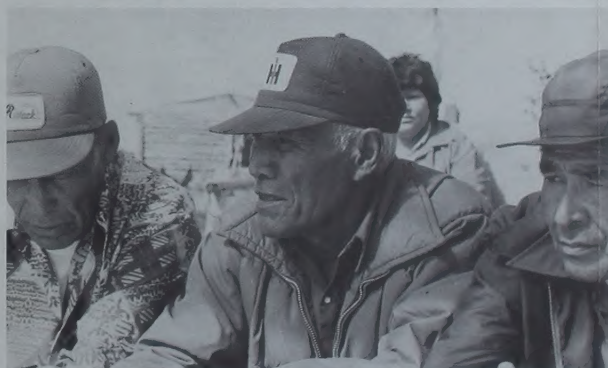
(2) pledge to uphold the Charter of Founding Principles;

(3) meet a two-year residency requirement in the local community.

The "provincial" national assembly of Denendeh will meet at least four times a year to decide on provincial programs and budgets to assist local councils to carry out their programs and to instruct the executive of Denendeh on implementation of policies and programs determined by the general assembly. The assembly could consist of all local chiefs or of members elected on a constituency basis or of one chief chosen from each of the five major regions plus three members elected from each of the five regions. The executive could be chosen directly by all voters in Denendeh or by a vote of the Denendeh assembly or by vote of the local chiefs. Only those who have lived in Denendeh for 10 years and who pledge to uphold the Charter of Founding Principles could vote and hold office.



photos by Helene Larague-Paullette



photos by Tony Briggans

Negotiations to date

The federal government position on negotiating northern natives' aboriginal rights claims is becoming clearer and clearer. Barring a sudden change of heart, the government is not prepared to discuss the political future of the territories during negotiations with the Dene Nation, although it is these political arrangements which are at the heart of the Dene efforts to achieve a settlement which will allow their culture to flourish.

Negotiations between the federal government and the Dene Nation and Metis Association of the NWT opened in Yellowknife July 22. The Dene said it was unthinkable that new oil, gas or mining projects should proceed before a settlement and tabled a set of interim demands, including a two-year delay on making a decision about the Norman Wells pipeline and a two-year freeze on all mining and petroleum exploration and development.

On July 29, the government approved the pipeline but with a two-year delay in construction and allocated \$33 million for pipeline preparations including \$20.5 million for pipeline-related job training. A two-year moratorium was placed on all mining and petroleum exploration and development. The government said the question of ownership of the oil and revenue sharing would be settled in negotiations.

The Dene said they could live for now with the decision. But they made it clear that their opposition to construction would continue if negotiations failed to satisfactorily resolve the matter of resource ownership and failed to settle on a political framework in which the project could proceed in a way that enhanced quality of life for all northeners.

When negotiations resumed on August 10, David Osborn, the government negotiator, said he didn't have the authority to negotiate the political and constitutional future of the western NWT. He urged the Dene to negotiate hunting, fishing and trapping rights and the boundaries of reserve lands.

A just political system lies at the heart of the Dene position. The Dene negotiators asked Osborn to return to Ottawa to get a mandate to negotiate settlement of political rights. On September 22, Osborn said his mandate was unchanged. The Dene adjourned negotiations and announced they would seek the Northwest Territories government's support in going directly to Ottawa to seek agreement on satisfactory negotiation terms.

Many non-native northeners are sceptical that the federal government is serious when it says negotiations aren't the proper forum to settle political rights but another forum will be set up. They fear the government wants to narrow aboriginal rights negotiations to land and money matters and keep the NWT as a resource-rich colony governed by Ottawa. A cabinet document, signed by Indian and Northern Development Minister John Munro and leaked October 28, appears to confirm those fears. It said the government should not negotiate political arrangements but only pay cash for land. A native claims policy announced by the government on December 16, 1981 made this position official and stressed that settlements must extinguish (rather than affirm) aboriginal rights.

Many northeners support the Dene in arguing for negotiations to take place to settle political rights. They agree that settling aboriginal rights is the first and essential step. Besides, the NWT government is represented at the negotiations and the Dene have insisted that negotiations be public with participation of all northeners to encourage discussion of NWT's future.

On November 11, 1981 the Dene and Metis presented their proposal for Denendeh to Mr. Munro. In addition to setting out the structure of government outlined in this *Political Service Bulletin* the document, entitled *Public Government for the People of the North*, set out a detailed nine-stage consultation process for reaching a northern consensus on political structure. The process integrates aboriginal claims negotiations and political structure and stresses public community discussion involving the federal government, the government of the NWT and the native organizations: Inuit Tapiriast of Canada (ITC), Committee of Original Peoples Entitlement (COPE) and the Dene Nation and Metis Association of the NWT.

The federal government has promised a response early in 1982. An immediate expression of southern support for the Dene/Metis proposal and for the process suggested will be critical for a positive cabinet decision.

All Canadians will lose unless the federal government broadens the scope of negotiations. The growing cooperation between native and non-native northeners will be torpedoed. Aboriginal rights will once again be defined in a narrow, sterile, economic manner, with native people forced to deny, rather than be given the opportunity to affirm, their basic beliefs. And all Canadians will suffer if the opportunity to build the pluralist province of Denendeh — which would provide for both native and non-native institutions and value expression — is snuffed out before it even reaches the negotiation table. □